

FEDERAL ELECTION COMMISSION

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Washington, D.C. 20463

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FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

RAD REFERRAL 97L-24A
Date Activated: September 11, 1998

Staff Member: Tara D. Meeker

RAD REFERRAL 97L-24B
Date Activated: September 11, 1998¹

Staff Member: Tara D. Meeker

SOURCES: INTERNALLY GENERATED and Complaint

COMPLAINANT: Mark Kleinman
People for Truth

RESPONDENTS: Democratic National Committee/ DNC Services
Corporation and Andrew Tobias, as treasurer²
Hollywood Women's Political Committee and
Judith Dornstein, as treasurer

RELEVANT STATUTES 2 U.S.C. § 441a(a)(2)(A) and (B)
2 U.S.C. § 441a(f)
2 U.S.C. § 441b(a)
11 C.F.R. § 102.5(a)(2)
11 C.F.R. § 106.5
11 C.F.R. §§ 110.1(d)

INTERNAL REPORTS CHECKED: Referral Materials and Disclosure Reports

FEDERAL AGENCIES CHECKED: None

¹ The Office of General Counsel decided that it should not proceed with these two RAD referrals until the Commission voted on OGC's recommendation to incorporate the identical allegations from MUR 4558 into this referral. The Commission voted as such on March 2, 1999.

² R. Scott Pastrick was treasurer of the DNC from August 19, 1995 to February 28, 1997, and Carol Pensky was the treasurer of the DNC at the date of activation of this referral.

I. GENERATION OF MATTER

The Office of General Counsel received two referrals from the Reports Analysis Division ("RAD"). The referrals arise out of questions involving a certain fund-raiser held by the Democratic National Committee/ DNC Services Corporation ("DNC") and Clinton/Gore General Election Legal and Accounting Compliance Fund ("GELAC") in 1996, for which it appears the Hollywood Women's Political Committee ("HWPC") advanced funds to the vendors. The issues in the referrals stem from the initial payments for the fund-raiser by the HWPC and subsequent transfers of funds from the DNC to HWPC.

MUR 4558 was generated by a complaint filed by Mark Kleinman and People for Truth.³ On March 2, 1999 the Commission voted to sever allegations relevant and virtually identical to certain facts in these RAD referrals from MUR 4558 and incorporate them into these referrals. Mr. Kleinman alleges that the DNC violated 2 U.S.C. § 441a(a)(2)(C) by making an excessive contribution "of over 17,000" to the HWPC, thus violating the contribution limit of \$5,000 for multicandidate committees.

II. FACTUAL AND LEGAL ANALYSIS

A. Law

The Federal Election Campaign Act of 1971, as amended ("the Act"), states that no multicandidate political committee shall make contributions to the political committees established and maintained by a national political party, which are not the authorized political

³ It is not entirely clear whether MUR 4558 is a complaint filed by Mark Kleinman, an organization named People for Truth, or both. The complaint is sworn to by Mr. Kleinman, refers to People for Truth, and contains information about an organization named Love As We Choose. It is not clear whether Mr. Kleinman signed the complaint in his individual capacity, or on behalf of People for Truth and/or Love As We Choose.

committees of any candidate, in any calendar year, which, in the aggregate, exceed \$15,000.

2 U.S.C. § 441a(a)(2)(B). Furthermore, no multicandidate political committee shall make contributions to any other political committee that is neither an authorized committee nor a national party committee in any calendar year which, in the aggregate, exceeds \$5,000. 2 U.S.C. § 441a(a)(2)(C). 2 U.S.C. § 441a(f) states that no candidate or political committee shall knowingly accept any contribution or make any expenditure in violation of the provisions of section 441a, and that no officer or employee of a political committee shall knowingly accept a contribution made for the benefit or use of a candidate, or knowingly make any expenditure on behalf of a candidate, in violation of any limitation imposed on contributions and expenditures under section 441a. Under the Act, it is unlawful for any corporation or labor union to make or for any candidate, political committee, or other person to knowingly receive a contribution to a candidate for federal office. 2 U.S.C. § 441b(a). A contribution includes a gift, loan, advance, deposit of money, or anything of value. 2 U.S.C. § 431(8)(A)(i). Under 2 U.S.C. §§ 434(b)(2)(D) and (b)(4)(H)(ii), all reports filed with the Commission by a committee must disclose contributions from and to other political committees.

11 C.F.R. § 102.5(a)(1)(i) states that each organization, including a party committee, which finances political activity in connection with both federal and non-federal elections and which qualifies as a political committee under 11 C.F.R. § 100.5 has two options. The organization shall either establish a separate federal account or establish a political committee which shall receive only contributions subject to the prohibitions and limitations of the Act. For those organizations which choose to establish a separate federal account:

Such account shall be treated as a separate federal political committee which shall comply with the requirements of the Act including the registration and reporting requirements of 11 C.F.R. §§ 102 and 104. Only funds subject to the prohibitions

and limitations of the Act shall be deposited in such separate federal account. All disbursements, contributions, expenditures and transfers by the committee in connection with any federal election shall be made from its federal account. No transfers may be made to such federal account from any other account(s) maintained by such organization for the purpose of financing activity in connection with non-federal elections, except as provided in 11 C.F.R. §§ 106.5(g) and 106.6(e). Administrative expenses shall be allocated pursuant to 11 C.F.R. § 106 between such federal account and any other account maintained by such committee for the purpose of financing activity in connection with non-federal elections.

According to 11 C.F.R. § 106.6 or § 106.5, committees that make disbursements in connection with federal and non-federal elections shall allocate expenses for the following categories of activity:

(i) Administrative expenses including rent, utilities, office supplies, and salaries, except for such expenses directly attributable to a clearly identified candidate; (ii) The direct costs of a fundraising program or event including disbursements for solicitation of funds and for planning and administration of actual fundraising events, where federal and non-federal funds are collected by one committee through such program or event.

B. Facts

1. Referrals and Complaint

The transactions at issue appear to have arisen out of a joint fundraising event entitled "Victory '96," held by the DNC and the Clinton/Gore GELAC in Los Angeles, CA on September 12, 1996.⁴ There is no information to indicate that the HWPC was a participating committee in the joint fund-raiser, as the term is used in 11 C.F.R. § 102.17, or that the event was

⁴ The invitation states that the event was paid for by Victory '96, a joint fundraising project of the Clinton/Gore '96 GELAC and the DNC. It further states that contributions received from individuals and partnerships which meet the federal election law limits will be divided 10% to Clinton/Gore GELAC and 90% to the DNC. Contributions from federal PACs and contributions which did not meet the limitations of federal election law were to be allocated solely to the DNC. Since there is no information indicating that "Victory '96" filed as a separate committee, and based on the facts at hand, it appears that the DNC was designated as the fund-raising representative for this event.

in any other manner raising money for the HWPC. Indeed, the issues discussed below appear to stem from the HWPC's initial payment for the costs of the event on behalf of the DNC, and subsequent DNC payments to the HWPC.

The DNC initially reported a total of \$309,129.71 in "payments" to the HWPC on its 1996 October Quarterly, 1996 12 Day Pre-General, and 1996 30 Day Post-General Reports. The payments were described variously as being for production costs, equipment rental, telephones, and messenger services for the "Victory '96" fundraising event. Although the DNC paid the HWPC for this activity out of its federal account, the DNC also appears to have reported receiving reimbursement for fifty percent of the expenses of this fund-raiser from its non-federal account for what it describes as the non-federal share of the fundraising activity.

The HWPC reported receiving the money from the DNC's federal account on its 1996 October Quarterly, 1996 12 Day Pre-General, and 1996 30 Day Post-General and 1996 Year End Reports. The 1996 October Quarterly report initially listed \$288,143 of this amount on Schedule A, supporting line 11(b), which reflects contributions received from political party committees. RAD sent the HWPC a Request For Additional Information ("RFAI"), dated December 18, 1996, notifying the HWPC that it was in violation of 2 U.S.C. § 441a(f) and 11 C.F.R. 110.1(d). The RFAI referred to the HWPC's report of an excessive contribution from a political party committee, and also requested that the HWPC refund the excessive amount to the DNC, or transfer-out the amount in excess of \$5,000 to an account not used to influence federal elections pursuant to 11 C.F.R. § 110.1(k). Instead of making the requested transfers, the HWPC amended its 1996 October Quarterly Report, moving the \$288,143 from the party committee contribution segment of the report to line 15, which reflects offsets to operating expenditures. In the amendment, the purpose of the receipt was listed as "Event Reimbursement."

On January 9, 1997, RAD sent a second RFAI in response to the HWPC's amendment, asking the committee to clarify for the public record the circumstances related to this event reimbursement and to disclose the dates of disbursement for which the HWPC was being reimbursed by the DNC. The HWPC sent a follow up letter disclosing the amounts and dates of the initial expenditures for the fund-raiser, including an itemized list of each vendor and payment made for the event, as well as the precise timing of the payments made by the DNC. According to that letter, the HWPC made payments totaling \$311,961.85 to vendors on behalf of the DNC Services Corporation Victory '96 Federal in connection with this fund-raiser, of which \$309,129.71⁵ was provided to the HWPC by the DNC. An internal check was conducted by RAD to verify the source of the funds from the DNC. Reports filed by the DNC revealed that payments made to the HWPC were composed of allocated (federal and non-federal) funds. Based on the allocation percentage provided by the DNC, it was determined by RAD that 50% of the funds paid to the HWPC consisted of impermissible, non-federal money.

RFAIs similar to those sent to the HWPC regarding these transactions were also sent to the DNC. RAD sent two RFAIs dated March 12, 1997 (one for the 1996 October Quarterly Report and one for the 1996 12 Day Pre-General Report) to the DNC, stating that the \$305,845.96 in funds sent from the federal account to the HWPC constituted contributions to another federal political committee and, therefore, could not be paid with allocated (federal and non-federal) money. The RFAIs instructed the DNC to notify the HWPC and request a refund of

⁵ Of this total amount, \$17,702.96 was reported initially on HWPC's 1996 12 Day Pre-General Report and also listed on Schedule A as a receipt from a political party, the DNC Victory '96 Federal Committee. As noted above, HWPC later amended the Pre-General report, as it had the October Quarterly, moving the \$17, 702.96 to line 15, representing offsets to expenditures. This transaction is the basis of the allegation severed from MUR 4558 and incorporated into this RAD referral that the HWPC received an excessive contribution from the DNC.

any amount in excess of \$5,000 and, furthermore, to immediately transfer back to its non-federal account the total amount received by its federal account in connection with the payment of funds to the HWPC. Several subsequent RFAs dated April 7, 1997, April 23, 1997 and May 22, 1997 again asked the DNC to notify the HWPC that it made a prohibited and excessive contribution and to request a refund of the entire prohibited non-federal share of the reimbursement and of the amount which exceeded \$5,000 of the federal share.⁶ The DNC has steadfastly refused to do as RAD requested.

2. Responses

In response to the RFAs, the DNC has maintained consistently that there is no violation of the contribution limits or prohibitions as a result of these transactions. The DNC argued that the money conveyed to the HWPC reflected nothing more than a dollar-for-dollar reimbursement for fundraising costs paid to vendors by the HWPC on behalf of the DNC. The DNC states that it:

has no intention of requesting a refund of any payments made to HWPC, since such payments would lead to the impermissible acceptance of an in-kind contribution by our committee. Furthermore, since the DNC believes that it was entitled to allocate these expenditures, it has no intention to request a refund of the non-federal portion of these expenditures.

Letter from Asst. Treasurer dated April 18, 1997.

⁶ Subsequent RFAs to the HWPC also requested that the Committee either refund the excessive amount to the DNC, or transfer out the amount in excess of \$5,000 to an account not used to influence federal elections.

Specifically, the DNC cites Advisory Opinion 1995-22, MUR 2345 and MUR 2611 for the proposition that not all transfers between two federally registered political committees are, by definition, contributions.⁷ The DNC further asserts that the transfer from its non-federal to its federal account represented payment for the non-federal portion of the Victory '96 fund-raiser, and that it was permissible.

According to the HWPC responses to RFAIs, transfers of funds by the DNC to the HWPC were reimbursements to the HWPC for fundraising costs paid directly to vendors by the HWPC on behalf of the DNC. The HWPC also stated that it agreed to sponsor a fund-raiser for the DNC and that it had accepted the money from the DNC thinking that it was all federal funds because it was drawn on the federal account. To date, the HWPC has not transferred out any of the funds initially identified by RAD as being excessive contributions or contributions of impermissible funds.

3. Course of Dealing Between the HWPC and the DNC

Analysis of the dates on which the HWPC paid vendors on behalf of the DNC, compared to the dates on which the DNC repaid the HWPC, shows that at some points during these transactions the HWPC was apparently advancing money to the DNC for the "Victory '96" fund-raiser, and that at some points the HWPC was spending money which the DNC had paid it in advance.

⁷ There are important distinctions between the authority cited by the DNC in support of their proposition that this series of transactions was permissible under the FECA, and the issues presented as characterized in the RAD referral. Briefly, the situation in AO 1995-22, unlike the present matter, involved transfers between two affiliated national party committees. According to 11 C.F.R. §102.6, transfers of funds may be made without limit on amount between affiliated committees, or between or among a national party committee, a State party committee and/or and subordinate party committee. In MUR 2611, the parties involved are a state party committee and federal candidate committees, which is different from those committees involved in the present matter. In addition, the DNC also cited MUR 2345. However, MUR 2345 appears to deal with shared coordinated expenses and the volunteer exemption and does not appear to be applicable to the present situation.

On June 25, 1996, the HWPC apparently began paying vendors on behalf of the DNC. By September 6, 1996, the HWPC had apparently advanced a cumulative total of \$95,954 to vendors on behalf of the DNC. On September 9, 1996, the DNC paid the HWPC \$288,143, which in effect not only reimbursed the HWPC, but also left \$192,189 for the HWPC to spend on behalf of the DNC. Between September 9, 1996 and October 1, 1996, the HWPC appears to have spent down \$180,871 of this amount. On October 2, 1996, the HWPC paid vendors \$26,870.93 on behalf of the DNC; this exhausted the remaining \$11,318 of the DNC's first payment to the HWPC, and constituted an additional advance of \$15,552.93 from the HWPC to the DNC. On October 9, 1996 the DNC paid the HWPC \$17,702.96 more to spend on its behalf, which effectively reimbursed the HWPC and left \$2,150.03 for future expenses. Between October 9, 1996 and January 8, 1997, the HWPC spent this money and additional payments received from the DNC totaling \$4,580.92. On January 8, 1997 the HWPC paid \$5,703.72 to vendors, thereby spending down the last money it had on hand from the DNC and making a final, additional advance of \$2,832.11. See chart at Attachment 1.

C. Analysis

The transactions at issue involve two major components: the advance of funds by the HWPC to vendors on behalf of the DNC, and the DNC's apparent reimbursement and advance payments to the HWPC which were the focus of the RAD referrals. In addition, the DNC paid the HWPC for this activity with allocated (federal and non-federal) money.

1. The HWPC Advances to the DNC

Based on the available information, this Office believes that violations may have occurred when the HWPC advanced funds to the vendors on behalf of the DNC. Between June 25, 1996 and September 6, 1996, the HWPC advanced \$95,954 to the DNC. On October 2,

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1996, the HWPC advanced \$15,552.93 to the DNC, and again on January 8, 1997 the HWPC advanced \$2,832.11 to the DNC for a total of \$114,339.04. See Attachment 1. Under 2 U.S.C. § 431(8)(A)(i), the federal share of these advances constituted contributions to the DNC at the time they were made.

The DNC argues that a vendor relationship existed between itself and the HWPC. The regulations, however, define a commercial vendor under 11 C.F.R. §116.1(c), as "any persons providing goods and services to a candidate or political committee whose *usual and normal business* involves the sale, rental, lease or provision of those goods or services" (emphasis added). A commercial vendor could make reasonable extensions of credit under 11 C.F.R. § 116.3 without it being considered a contribution. However, under the FECA the HWPC was not a commercial vendor and, therefore, could not make extensions of credit to the DNC. Furthermore, in viewing disclosure reports this Office has seen no evidence which would indicate that the HWPC acted in this fashion for anyone other than the HWPC.

The HWPC argues that it was sponsoring a fund-raiser for the DNC. However, there is no indication that the HWPC was a participating committee in "Victory '96." It is important to note that the invitation to the event never mentioned the HWPC; in fact the invitation explicitly stated that the event was paid for by "Victory '96, a joint fundraising project of the Clinton/Gore GELAC and the DNC." Even if the HWPC had been a participating committee in "Victory '96," its advances to the DNC would not have been permissible. 11 C.F.R. § 102.17, which outlines the procedure for an advancement of funds by a participant in a joint fund-raiser, states that a participant may advance more than its proportionate share of the fundraising costs only to the extent that any amount in excess of a participant's proportionate share does not exceed the amount that participant could legally contribute to the remaining participants. Of course, the

money advanced by the HWPC to the DNC for "Victory '96" far surpassed the \$15,000 the HWPC could legally contribute to the DNC under 2 U.S.C. § 441a(a)(2)(B). Thus, these transactions would be impermissible even under the joint fund-raiser regulations. Therefore, the argument by the HWPC that it was sponsoring a joint fund-raising endeavor is not persuasive.

The total amount advanced by the HWPC on behalf of the DNC in connection with the fund-raiser was \$114,339.04. Because the DNC was using a 50% allocation formula for expenditures for the presidential fund-raiser, in effect 50% of what the HWPC advanced to the DNC (\$57,169.52) represented contributions to the non-federal account and, therefore, were not excessive contributions to the DNC under the FECA. The remaining \$57,169.52 in advances by the HWPC constituted contributions to the DNC federal account, \$15,000 of which was permissible. See 2 U.S.C. § 441a(a)(2)(B). Therefore, \$42,169.52 of the amount advanced to the DNC by the HWPC appears to constitute an excessive in-kind contribution to the DNC in violation of 2 U.S.C. § 441a(a)(2)(B).⁸ Since a portion of the funds advanced by the HWPC were excessive contributions, then \$42,169.52 of the payments made by the DNC to the HWPC, in effect, became reimbursements of excessive contributions.

2. The DNC's Transfer of Non-Federal Funds to the HWPC

In addition, the transactions between the DNC and the HWPC raise questions under 2 U.S.C. § 441b and 11 C.F.R. § 102.5. It is true that the DNC's reimbursements paid to the HWPC initially came entirely from the DNC's federal account. However it is not entirely clear from the face of the DNC's reports whether the reimbursements contained solely federal funds, or a mix of federal and non-federal funds. It appears that the DNC's first transfer from its non-

⁸ $\$114,339.04 / 50\% = \$57,169.52 - \$15,000 = \$42,169.52$

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federal to its federal account occurred prior to its first repayment to the HWPC. Because HWPC was a federal political committee, the DNC's payments to that committee in this manner may have violated 2 U.S.C. § 441b. In addition, the HWPC's potential acceptance of mixed hard and soft dollars into its single federal account may have violated 2 U.S.C. § 441b and 11 C.F.R. § 102.5.

D. Conclusion

This Office believes that further information is necessary to determine exactly what happened in this situation. However, because this Office's legal approach in this matter is somewhat different from that initially taken by RAD⁹, this Office believes that the parties involved should have the opportunity to respond to this analysis before any discovery is commenced.¹⁰

Based on the foregoing, this Office recommends that the Commission open a MUR and find reason to believe that the Hollywood Women's Political Committee and Judith Dornstein, as treasurer ("HWPC") violated 2 U.S.C. § 441a(a)(2)(B) by making an impermissible contribution to the DNC through the advancement of funds; 2 U.S.C. § 441b and 11 C.F.R. § 102.5(a)(2) for depositing into a federal account funds which did not meet the limitations and prohibitions of the Act; and 2 U.S.C. § 434(b)(4)(H)(ii) for failing to report the advances as a contribution to another political committee.

⁹ Having the benefit of both referrals and after piecing together the steps of this transaction, this Office met with RAD to discuss this report. RAD and OGC are in agreement that the initial advances by the HWPC were improper, and RAD is aware of the nature and focus of this report.

¹⁰ After reviewing the responses this Office will apprise the Commission as to whether additional inquiries are necessary to determine exactly how these transactions were structured and why the DNC used the HWPC to obtain goods and services for the fund raiser instead of dealing directly with the vendors. This information could reveal additional violations.

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Furthermore, this Office recommends that the Commission find reason to believe that the Democratic National Committee/ DNC Services Corporation and Andrew Tobias, as treasurer ("DNC") violated 2 U.S.C. §§ 441a(f), and 441b(a) by accepting excessive contributions and by making repayments to a federal committee from its non-federal account; and 2 U.S.C. § 434(b)(2)(D) by failing to report the advances as a contribution from another political committee.

III. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe that the Hollywood Women's Political Committee and Judith Dornstein, as treasurer violated 2 U.S.C. §§ 441a(a)(2)(B), 441b, 434(b)(4)(H)(ii) and 11 C.F.R. § 102.5(a)(2).
3. Find reason to believe that the Democratic National Committee/DNC Services Corporation and Andrew Tobias, as treasurer violated 2 U.S.C. §§ 441a(f), 441b(a) and 434(b)(2)(D).
4. Approve the attached Factual and Legal Analyses and appropriate letters.

Lawrence M. Noble
General Counsel

9/23/99
Date

BY: 
Lois G. Lerner
Associate General Counsel

Attachment:

1. Chart
2. Factual and Legal Analyses

21-04-403-0088

June 25, 1996-September 6, 1996

HWPC advances \$95,954 to the DNC in payment for goods and services related to the "Victory '96" event.

September 9, 1996

DNC provides the HWPC \$288,143, which leaves the HWPC with \$192,189 for future expenses.
(\$288,143-\$95,954=\$192,189)

September 9, 1996-October 1, 1996

HWPC spends \$180,871 of the \$192,189 paid by the DNC towards goods and services related to the fund-raiser. \$11,318 is still left for future expenses.
(\$192,189-\$180,871=\$11,318)

October 2, 1996

HWPC spends \$26,870.93 toward the fund-raiser, which uses the remaining balance of money paid from the DNC (\$11,318), and also spends \$15,552.93 additional on behalf of the DNC.
(\$11,318-\$26,870.93=(\$15,552.93))

October 9, 1996

DNC provides \$17,702.96 to HWPC. This amount repays the \$15,552.93 in arrears, and leaves the HWPC with \$2,150.03 for future expenses.
(\$17,702.96-\$15,552.93=\$2,150.03)

October 15, 1996

HWPC spends \$1,162 toward the fund-raiser, which leaves \$988.03 for future expenses.
(\$2,150.03-\$1,162=\$988.03)

November 6, 1996

- DNC provides \$1,265 to the HWPC, which leaves \$2,253.03 for future expenses.
(\$988.03+\$1,265=\$2,253.03)
- Also on this date, the HWPC spends \$252.75, leaving \$2,000.28 for future expenses.
(\$2,253.03-\$252.75=\$2,000.28)

November 25, 1996

HWPC spends \$1147.42 toward the fund-raiser, leaving \$852.86 for future expenses.
(\$2,000.28-\$1,147.42=\$852.86)

November 29, 1996

DNC provides \$2,018.75 to the HWPC, leaving \$2,871.61 for future expenses.
(\$852.86+\$2,018.75=\$2,871.61)

January 8, 1997

HWPC spends \$5,703.72 toward the fund-raiser, leaving (\$2,832.11) that the DNC owes HWPC.
(\$2,871.61-\$5,703.72=(\$2832.11))



FEDERAL ELECTION COMMISSION

Washington, DC 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel KCS

DATE: September 24, 1999

SUBJECT: 97L-24 A& B- First General Counsel's Report

The attached is submitted as an Agenda document for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS

SENSITIVE

☒

NON-SENSITIVE

☐

72 Hour TALLY VOTE ☒

24 Hour TALLY VOTE ☐

24 Hour NO OBJECTION ☐

INFORMATION ☐

DISTRIBUTION

COMPLIANCE

☒

Open/Closed Letters ☐

MUR ☐

DSP ☐

STATUS SHEETS ☐

Enforcement ☐

Litigation ☐

PFESP ☐

RATING SHEETS ☐

AUDIT MATTERS ☐

LITIGATION ☐

ADVISORY OPINIONS ☐

REGULATIONS ☐

OTHER ☐



FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARY W. DOVE/VENESHE FEREBEE-VINES
COMMISSION SECRETARY

DATE: SEPTEMBER 29, 1999

(171)

SUBJECT: RAD Referrals #97L-24A & #97L-24B. General Counsel's Report
dated September 23, 1999.

The above-captioned document was circulated to the Commission
on Friday, September 24, 1999. _____

Objection(s) have been received from the Commissioner(s) as
indicated by the name(s) checked below:

Commissioner Elliott	—
Commissioner Mason	—
Commissioner McDonald	—
Commissioner Sandstrom	<u>XXX</u>
Commissioner Thomas	—
Commissioner Wold	—

This matter will be placed on the meeting agenda for Tuesday, October 19,
1999. Please notify us who will represent your Division before the Commission
on this matter.